

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JULIA BETANCES,

Plaintiff,

-against-

THE NEW YORK CITY HOUSING AUTHORITY,  
and TINO HERNANDEZ, as Chairman of the  
New York City Housing Authority,

Defendants.  
-----X

Civ. No. 08-4794 (RMB)

DECLARATION OF  
JANET FAWEMIMO  
IN OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
A PRELIMINARY INJUNCTION

JANET FAWEMIMO, pursuant to 28 U.S.C. §1746 declares under penalty of perjury that the following is true and correct:

1. I am employed by defendant New York City Housing Authority ("NYCHA") in the position of Housing Assistant. I am assigned to Lower East Side Consolidated in Manhattan, New York.

2. I submit this declaration based on personal knowledge and on the books and records of NYCHA in opposition to plaintiff Julia Betances' motion for a preliminary injunction directing NYCHA not to rent the two-bedroom apartment located at 290 East 4<sup>th</sup> Street, Apt. #6C, New York, New York in NYCHA's Lower East Side Consolidated.

3. Several developments are consolidated for management purposes within Lower East Side Consolidated: Bracetti Plaza, East 4<sup>th</sup> Street Rehab, First Houses, Lower East Side II, and Lower East Side Rehab (Group 5).

4. Pursuant to NYCHA's Tenant Selection and Assignment Plan ("TSAP"), on May 2, 2008,

plaintiff Julia Betances was identified as the next referral for a two-bedroom apartment at 290 East 4<sup>th</sup> Street Apt. #6C, New York, New York, a building which is part of Bracetti Plaza. Plaintiff had been assigned a T1 priority under TSAP; this priority includes tenants who reside in an extremely under-occupied apartment. A true copy of the Selected Referral Information is attached as Exhibit A.


5. By letter dated May 2, 2008, plaintiff was notified of an available four-room (or two-bedroom) apartment at Bracetti Plaza and directed to contact the management office to schedule a rental interview. A true copy of the letter, dated May 2, 2008, is attached as Exhibit B.

6. On May 13, 2008, I conducted a rental interview with plaintiff through an interpreter. At that time, I found out that plaintiff was the subject of a non-payment proceeding in housing court and owed NYCHA more than \$5,600. Because tenants with an unsatisfactory record of tenancy, including being under legal action for non-payment of rent or having chronic rent delinquency, are not supposed to be approved for transfer, I informed plaintiff that she needed to clear this balance and submit proof of a zero balance from the management office at Armstrong Houses. I informed her that she needed to do this by Monday, May 19, 2008, to rent this apartment.

7. On May 19, 2008, I telephoned plaintiff regarding whether she had paid the amount owed to NYCHA and was able to submit proof of payment. She stated that she had not paid and did not have the money to pay the outstanding balance. She said she needed to obtain money from her sister.

On May 20, 2008, plaintiff informed me that she was unable to obtain money from her sister needed to pay the outstanding balance. I informed her that NYCHA could not hold the apartment any longer.

Dated: New York, New York  
June 3, 2008

A handwritten signature in dark ink, appearing to read "Janet Fawemimo", written over a horizontal line.

Janet Fawemimo

# **EXHIBIT A**

## Selected Referral Information

Offer Number 1 Certified Loc. PRJ Selection Date 05022008 Rec'd Date

### Personal Information

SSN 072-170-1748 Ref Type I Elderly Fam. N  
 First Name JULIA Last Name BETANCES DOB 08161960

### Mailing Address / Phone

Address 449 GATES AVENUE  
 Address Apartment 00A  
 City BROOKLYN  
 State NY  
 Zip 11216  
 Phone 7186233880

### Selected Apartment & Selection Criteria

Project 264 Stairhall 012  
 Apartment # 06C Num Rooms 4  
 Mobility Apt N Elderly Apt N  
 Priority T1 Type D  
 Homeless  Exclusion Zip   
 Income Tier 2 Cert Date 09242007

Generate Call-In Letter

Done

(347) 553-8731

# **EXHIBIT B**

**NEW YORK CITY HOUSING AUTHORITY  
LOWER EAST SIDE II  
640 EAST 5TH STREET  
NEW YORK, NY, 10009**

05-02-2008

JULIA BETANCES  
449 GATES AVENUE  
Apartment 00A  
BROOKLYN, NY, 11216

**Re : Notification of Available Apartment**

Referral #: XXXX07448

Selected Account #: 264-012-06C

Dear Applicant/ Tenant:

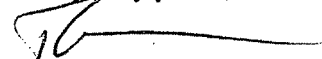
You have been selected for a 4 room apartment at BRACETTI PLAZA Houses.

You must contact the **staff** of this Management Office at 212-529-8340 **immediately** upon receipt of this letter to schedule a rental interview. You will be informed if you will need to bring any documents with you.

**FAILURE TO CONTACT THE MANAGEMENT OFFICE AT THE ABOVE TELEPHONE NUMBER WITHIN 2 BUSINESS DAYS OF THE RECEIPT OF THIS LETTER WILL RESULT IN THE PLACEMENT OF YOUR APPLICATION OR TRANSFER REQUEST IN OUR INACTIVE FILE.**

**IF WE DO NOT HEAR FROM YOU WITHIN 45 DAYS OF THIS LETTER, YOU WILL NO LONGER BE CONSIDERED ELIGIBLE FOR RENTAL OR TRANSFER.**

Very truly yours,



Housing Manager

NYCHA 040.050F(9/97)